

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANLEY J. MAZANY,

Plaintiff,

vs.

Case No. 04-CV-71153
HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING APRIL 20, 2005 REPORT AND RECOMMENDATION (#14),
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AND DISMISSING PLAINTIFF'S CLAIMS

This matter is before the court on defendant Commissioner of Social Security's motion for summary judgment as to plaintiff Stanley Mazany's claim for judicial review of defendant's denial of his November 5, 2002 application for disability insurance benefits. The matter was referred to Magistrate Judge Wallace Capel, Jr. On April 20, 2005, Magistrate Judge Capel issued a 16-page Report and Recommendation recommending that defendant's motion for summary judgment be granted, and that plaintiff's claim be dismissed. Magistrate Judge Capel found there was substantial evidence in the record to support ALJ John Ransom's September 25, 2003 decision that plaintiff had the residual functional capacity ("RFC") to perform light work with specific restrictions and the RFC to perform his past relevant work as a company controller/treasurer, and that a significant number of jobs existed in the national economy that plaintiff could perform. Magistrate Judge Capel specifically found that ALJ Ransom's hypothetical question posed to a vocational expert accurately portrayed plaintiff's limitations, taking into account the ALJ's

assessment that plaintiff's testimony was not fully credible. Magistrate Judge Capel further determined that the ALJ did not fail to give appropriate deference to treating physician reports. Plaintiff has not filed timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Having reviewed the record and Report and Recommendation, and in the absence of timely objections, the court hereby ACCEPTS Magistrate Judge Capel's well reasoned April 20, 2005 Report and Recommendation as its own. Defendant's motion for summary judgment is hereby GRANTED. Plaintiff Stanley Mazany's claim is hereby DISMISSED with prejudice.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: May 26, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on May 26, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk